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10/812,572	03/29/2004	Christopher M. Eppstein	15437-0648	3692

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EXAMINER	
LEE, KWOK W	
ART UNIT	**PAPER NUMBER**
4113	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,572	EPPSTEIN, CHRISTOPHER M.	
	Examiner	Art Unit	
	Kwok Wing Lee	4113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2, 4-18, 20-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 1, 2, 4-10, 12-18, 20-33, the claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a "useful, concrete and tangible result" (MPEP 2106). The results provided from these claims do not possess a certain level of "real world" value and represent nothing more than an idea or concept.

With respect to claims 9-16 and 28-30, the claimed "machine-readable medium" is non-statutory subject matter because as described in the applicant's specification, a "machine-readable medium" consists of transmission media taking the form of acoustic or light waves and infra-red data communications.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26, 28, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks (US 6,097,390).

With respect to claims 1, 9 and 17, Marks teaches a machine-implemented method, a machine-readable medium or an apparatus, comprising: monitoring execution progress (Column 3, lines 54-60) of a parent task and one or more child tasks (it is inherent that a parent task is seen as the "whole" task and a child task is seen as one stage of progress executed, in order to complete the whole task), wherein the one or more child tasks are spawned by the parent task and execute concurrently with the parent task (Column 3, lines 54-60, a child task is seen as one stage of progress and it is inherent that the child task or "one stage of progress" is spawned by a parent task, represented the whole indicator, and operates concurrently with the parent task because the child task is suppose to complete a portion of work of the parent task); and determining an overall execution progress value (See figures 4-8) for the parent task, wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of at least one of the child tasks (Column 2, lines 40-50, where the whole indicator represent the parent task and one progression unit indicator is a child task).

With respect to claims 2, 10 and 18, Marks teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, wherein the parent task is a separate task from each of the child tasks (Column 2, lines 40-50, it is inherent that a parent task is a separate task from each of the child tasks because the parent task is the result of a series of child tasks).

With respect to claims 3, 11 and 19, Marks teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, further comprising: causing an indication of the overall execution progress value to be displayed to a user (See figures 4-8).

With respect to claims 4, 12 and 20, Marks teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, wherein weight represents an approximate amount of work that needs to be performed to complete a task, and wherein determining the overall execution progress value comprises: determining a total weight for the parent task (Column 2, lines 40-50, where the weight for the parent task is inherently defined by the weight of the child tasks or state progression), wherein the parent task has an associated weight and each child task has an associated declared weight (Column 2, lines 40-50), and wherein the total weight includes the weight of the parent task and the declared weight of each child task; determining a ballast for the parent task (See figures 4-8, where the weight of the parent task is the sum of the weights of the child tasks and each child task has some predetermined weight based on the amount of states and the ballast for the parent task is the completion amount shown by the shaded or completed areas in the figures), wherein the ballast is a portion of the weight of the parent task and indicates how much execution progress has been made by the parent task (See figures 4-8); determining a calculated ballast for each child task (Column 2, lines 40-50, where a ballast for each child task is represented by a stage completion indicator), wherein the calculated ballast for a child task is a portion of the declared weight of the child task and indicates how

much execution progress has been made by the child task (Column 2, lines 40-50, where the progress of the child task is determined by the presence of a indicator of a stage of progress, completion of the child task is represented by the indicator being present and not completed by its absence); and deriving the overall execution progress value for the parent task based, at least partially, upon the total weight, the ballast of the parent task, and the calculated ballast of at least one of the child tasks (See figures 4-8, the figures show the overall execution progress value for the parent task based on the ballasts of child tasks and the sum of the child tasks, which equal to the ballast of the parent task).

With respect to claims 5, 13 and 21, Marks teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein deriving the overall execution progress value comprises: determining a ratio between a total ballast and the total weight (Column 2, lines 46-50), wherein the total ballast includes the ballast of the parent task and the calculated ballast of each child task (Column 2, lines 46-50, it is inherent that the total ballast includes the ballast of the parent task, 100%, and the calculated ballast of each child task, 5% in the given example).

With respect to claims 6, 14 and 22, Marks teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein determining a calculated ballast for each child task comprises: determining a progress value for a particular child task (Column 2, lines 44-46, progress value for a particular child task is the present/absence of an indicator where present equals done or 100% and absent equals not done or 0%, for the child task); and determining a calculated

ballast for the particular child task (Column 2, lines 46-50), wherein the calculated ballast for the particular child task is the product of the progress value for the particular child task and a declared weight of the particular child task (upon 100% progress value for a child task equals to a declared weight of 5% which calculates into a ballast of the child task).

With respect to claims 7, 15 and 23, Marks teaches the method, a machine-readable medium or an apparatus of claims 6, 14 and 22, respectively, wherein the particular child task spawns one or more grandchild tasks which run concurrently with the particular child task (Column 2,lines 29-50, it is inherent that a particular child task will spawn one or more grandchild task, running concurrently with the child task, to perform a smaller task of the child task), and wherein the progress value for the particular child task is determined based, at least partially, upon execution progress of the particular child task and execution progress of at least one of the grandchild tasks (it is also inherent that the progress value for the child task is determined upon the execution progress of the child and grandchild task, since a grandchild task has to finish in order for the child task to complete).

With respect to claims 8, 16 and 24, Marks teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein the total weight does not include weights of any tasks spawned by the one or more child tasks (Column 2, lines 31-50, the total weight only includes parent and child tasks).

With respect to claims 25, 28 and 31, Marks teaches a machine-implemented method, a machine-readable medium or an apparatus, comprising: monitoring

execution progress of a parent task and one or more descendant tasks (See figures 4-8), wherein each descendant task is spawned by either the parent task or another descendant task (it is inherent a parent task will have child and grandchild tasks), and wherein the one or more descendant tasks execute concurrently with the parent task (this is also inherent since parent task depend upon completion of child tasks which depend on grandchild tasks and so on); and determining an overall execution progress value for the parent task (Column 2, lines 31-50), wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of the descendant tasks (it is inherent that the overall execution progress of a task depends upon completion of parent and child tasks).

With respect to claims 26, 29 and 32, Marks teaches the method, a machine-readable medium or an apparatus of claims 25, 28 and 31, respectively, wherein the parent task spawns a child task and the child task spawns a grandchild task, and wherein determining the overall execution progress value for the parent task comprises: determining a progress value for the grandchild task; determining a progress value for the child task based, at least partially, on the progress value for the grandchild task (Column 2, lines 46-50, it is inherent that in order to determine a progress value for a child task, the progress of the grandchild task is needed); and determining the overall execution progress value for the parent task based, at least partially, on the progress value of the child task (Column 2, lines 31-50).

Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 2003/0005022).

With respect to claims 1, 9 and 17, Brown teaches a machine-implemented method, a machine-readable medium or an apparatus, comprising: monitoring execution progress of a parent task and one or more child tasks (See boxes 114, figure 1), wherein the one or more child tasks are spawned by the parent task and execute concurrently with the parent task (See boxes 114, figure 1, each step is a child task of a whole parent task); and determining an overall execution progress value for the parent task (See bottom two boxes 114 in figure 1), wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of at least one of the child tasks (See boxes 114, figure 1).

With respect to claims 2, 10 and 18, Brown teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, wherein the parent task is a separate task from each of the child tasks (See boxes 114, figure 1, it is inherent that a parent task is a separate task from each of the child tasks because the parent task is the result of a series of child tasks).

With respect to claims 3, 11 and 19, Brown teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, further comprising: causing an indication of the overall execution progress value to be displayed to a user (Paragraph [0009], lines 1-9).

With respect to claims 4, 12 and 20, Brown teaches the method, a machine-readable medium or an apparatus of claims 1, 9 and 17, respectively, wherein weight

represents an approximate amount of work that needs to be performed to complete a task, and wherein determining the overall execution progress value comprises: determining a total weight for the parent task (See bottom 2 boxes 114 in figure 1), wherein the parent task has an associated weight and each child task has an associated declared weight (See bottom 2 boxes 114 in figure 1), and wherein the total weight includes the weight of the parent task and the declared weight of each child task (See bottom 2 boxes 114 in figure 1); determining a ballast for the parent task, wherein the ballast is a portion of the weight of the parent task and indicates how much execution progress has been made by the parent task (See bottom 2 boxes 114 in figure 1); determining a calculated ballast for each child task, wherein the calculated ballast for a child task is a portion of the declared weight of the child task and indicates how much execution progress has been made by the child task (See top 2 boxes 114 in figure 1); and deriving the overall execution progress value for the parent task based, at least partially, upon the total weight, the ballast of the parent task, and the calculated ballast of at least one of the child tasks (See boxes 114 in figure 1).

With respect to claims 5, 13 and 21, Brown teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein deriving the overall execution progress value comprises: determining a ratio between a total ballast and the total weight (See bottom 2 boxes 114 in figure 1), wherein the total ballast includes the ballast of the parent task and the calculated ballast of each child task (See bottom 2 boxes 114 in figure 1).

With respect to claims 6, 14 and 22, Brown teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein determining a calculated ballast for each child task comprises: determining a progress value for a particular child task (See top 2 boxes 114 in figure 1); and determining a calculated ballast for the particular child task (See bottom 2 boxes 114 in figure 1), wherein the calculated ballast for the particular child task is the product of the progress value for the particular child task and a declared weight of the particular child task (See boxes 114 in figure 1).

With respect to claims 7, 15 and 23, Brown teaches the method, a machine-readable medium or an apparatus of claims 6, 14 and 22, respectively, wherein the particular child task spawns one or more grandchild tasks which run concurrently with the particular child task (See top 2 boxes 114 in figure 1, it is inherent that the progression unit indicated for each child task represents completion of grandchild tasks), and wherein the progress value for the particular child task is determined based, at least partially, upon execution progress of the particular child task and execution progress of at least one of the grandchild tasks (See top 2 boxes 114 in figure 1, this is inherent because the progress of a child task depends on the progress of a grandchild task).

With respect to claims 8, 16 and 24, Brown teaches the method, a machine-readable medium or an apparatus of claims 4, 12 and 20, respectively, wherein the total weight does not include weights of any tasks spawned by the one or more child tasks

(See bottom 2 boxes 114 in figure 1, where the total weight shown is only of the parent and child tasks).

With respect to claims 25, 28 and 31, Brown teaches a machine-implemented method, a machine-readable medium or an apparatus, comprising: monitoring execution progress of a parent task and one or more descendant tasks (See boxes 114 in figure 1), wherein each descendant task is spawned by either the parent task or another descendant task (See boxes 114 in figure 1, where descendent task spawned by parent task are child tasks as shown in the top box 114 and descendent task spawned by another descendent task is a grandchild task shown as a percentage of completion of the child task), and wherein the one or more descendant tasks execute concurrently with the parent task (it is inherent that descendent tasks execute concurrently with parent tasks because parent task completion is based upon descendent task completion); and determining an overall execution progress value for the parent task (See bottom 2 boxes 114 in figure 1), wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of the descendant tasks (See boxes 114 in figure 1).

With respect to claims 26, 29 and 32, Brown teaches the method, a machine-readable medium or an apparatus of claims 25, 28 and 31, respectively, wherein the parent task spawns a child task and the child task spawns a grandchild task, and wherein determining the overall execution progress value for the parent task comprises: determining a progress value for the grandchild task (See top 2 boxes 114 in figure 1,

where the progress value for the grandchild task is a percentage of the child task progress); determining a progress value for the child task based, at least partially, on the progress value for the grandchild task (See top 2 boxes 114 in figure 1); and determining the overall execution progress value for the parent task based, at least partially, on the progress value of the child task (See bottom 2 boxes 114 in figure 1).

With respect to claims 27, 30 and 33, Brown teaches the method, a machine-readable medium or an apparatus of claims 25, 28 and 31, respectively, wherein the parent task spawns a child task, the child task spawns a grandchild task, and the grandchild task spawn a great grandchild task, and wherein determining the overall execution progress value for the parent task comprises: determining a progress value for the great grandchild task (See boxes 114 in figure 1, it is seen that a great grandchild task is represented as a percentage of the percentage of the child task, representing the grandchild task); determining a progress value for the grandchild task based, at least partially, on the progress value for the great grandchild task (See top boxes 114 in figure 1, it is inherent that the progress value of the grandchild task is based on the progress value for the great grandchild task); determining a progress value for the child task based, at least partially, on the progress value for the grandchild task; and determining the overall execution progress value for the parent task based, at least partially, on the progress value of the child task (See boxes 114 in figure 1).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Care (US 2005/0097480) reference shows a user interface to monitor task in segments of parent task, child task, and grandchild task. The Jaaskelainen (US 5,301,348) reference shows a progress marker to mark changes in the progress of a task. The Ording (US 2001/0055017) reference shows a dialog window that displays the progress of a percentage of task completion. The Neilson (US 6,639,687) reference shows a progress indicator to monitor a plurality of tasks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwok Wing Lee whose telephone number is (571) 270-3557. The examiner can normally be reached on Mon - Thu and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson can be reached on (571) 272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Kwok W. Lee
11/05/2007

/David L. Robertson/
Supervisory Patent Examiner, Art Unit 4113